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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 003985

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DEPARTMENT FOR EUR/SE

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KIRF](#) [PTER](#) [EU](#) [TU](#)

SUBJECT: TURKEY: PARLIAMENT FAILS TO ADOPT ANNOUNCED REFORM PACKAGE

REF: A. ANKARA 2053

[1](#)B. ANKARA 3312

[1](#)C. ANKARA 2206

[1](#)D. ANKARA 2854

Classified by Polcouns Janice G. Weiner; reasons 1.4 (b) and (d).

[1](#)1. (U) Summary: Parliament went into recess July 1 after passing only four minor elements of a reform package designed to boost Turkey's EU candidacy, although FM Gul, in April, had urged MPs to adopt the full package before the end of the legislative session. A number of controversial measures were postponed, including one designed to allow religious minorities to reclaim some expropriated properties, and another that would have established an independent government human rights institution. Meanwhile, MPs adopted an anti-terror law that EU officials and human rights activists believe could roll back some of the progress gained during Turkey's EU reform process. The anti-terror law also left unchanged the Turkey-focused definition of terrorism. End Summary.

MPs Fail to Adopt Full Package

[1](#)2. (U) FM Gul in April announced a package of legal reforms he wanted Parliament to adopt before the summer recess in order to advance Turkey's EU candidacy (reftel A). The package included measures designed to address the property rights of religious minorities, establish an independent government human rights monitoring body, combat corruption, and increase the independence of religious minority schools. However, Parliament went into recess July 1 after completing only four relatively minor elements of the package. MPs are not scheduled to reconvene until October 1, shortly before the European Commission is due to release its annual progress report on Turkey. The day after Parliament closed, EU Enlargement Commissioner Rehn told a Turkish TV reporter, "Right now the reform process (in Turkey) has run into difficulties and it is important that reforms will be continued."

13. (U) The four measures of the package adopted by Parliament are:

-- Ombudsman: A government ombudsman's office would be established to receive complaints by citizens regarding government services and operations. President Sezer vetoed this measure on July 1, arguing that the office, which would be under parliamentary authority, would give to Parliament powers it has no right to exercise under the Constitution. Parliament could override the veto by passing the measure a second time without changes, a point Rehn emphasized in public comments. Sezer could respond to an override by submitting the legislation to the Constitutional Court for review. Rehn called the ombudsman's office "a cornerstone of a European constitutional state" and said, "We expect Turkey to create this post."

-- Military Courts: Military courts will be prohibited from trying civilians, except in cases involving crimes committed by both civilians and military personnel.

-- Corruption: Parliament adopted the UN Convention on the Fight Against Corruption.

-- Human Rights: Parliament adopted Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

Controversial Anti-Terror Law Approved

14. (SBU) Parliament also adopted an anti-terror law, which was not part of the package announced in April. MPs passed

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the measure without amending articles that EU officials, as well as Turkish scholars and human rights activists, have said could roll back some of the progress on human rights gained during Turkey's EU reform process (reftels B-C). Moreover, lawmakers failed to internationalize the definition of terrorism in the law. As reported reftel D, the Turkish Justice Ministry responded to our expression of concern about the definition by insisting that existing Turkish law gives GOT authorities all the tools they need for effective international cooperation against terrorism.

Controversial Measures Postponed

15. (C) Some of the measures that MPs failed to adopt are complex and controversial. For example, EU officials have long criticized the draft "foundations" bill that would have enabled non-Muslim communities to reclaim some of the properties expropriated by the Turkish state. The EU maintains that the bill is inadequate, largely because it would not provide compensation for properties the state has expropriated and sold to third parties. Ahmet Aydin Dogan, political director at the Secretariat General for EU Affairs, told us MPs decided to drop the bill because they could not resolve the compensation issue. Dogan said he argued that Parliament should adopt the bill, which, though imperfect, is better than current legislation. He expects the European Court of Human Rights to issue a ruling over the next few months on a case involving compensation for properties seized from non-Muslim communities. He believes the court will rule against Turkey, forcing the GOT to create a compensation mechanism.

16. (C) Another measure Parliament failed to adopt would have established an independent human rights monitoring institution, along guidelines known as the "Paris Principles." The Danish Embassy and the Danish Institute for Human Rights had been engaged in discussions with the GOT for over a year aimed at establishing an institution similar to

the Danish Institute. The institution would be government funded, but would maintain its independence, similar to the judiciary. However, the Danish DCM told us GOT leaders do not appear to support the idea of an independent body. He said the Danes have not discussed the issue with the GOT for several months.

Comment: Effort Falls Short

17. (C) GOT contacts in April acknowledged to us that they put this reform package together hastily in response to what they considered unfair criticism by EU representatives claiming that Turkey has lost enthusiasm for reforms. Several MPs told us they would do their best to comply with Gul's request to adopt the full package by July, but weren't sure they would have enough time. The April announcement was an attempt to create a sense of momentum on the EU front; it was well intentioned and produced some results, but unfortunately fell short.

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